

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, ) Case No. 4:11CR3093-2  
 )  
 vs. ) **TENTATIVE**  
 ) **FINDINGS**  
 )  
 MEGAN ELIZABETH MILLER, )  
 )  
 Defendant. )

IT IS ORDERED that:

(2) Despite defense counsel’s articulate arguments, the motion for variance (filing no. 72) is denied. Assuming for the sake of argument that every fact (as opposed to conclusion) in the defendant’s brief is true, none of the statutory sentencing factors favor the

<sup>2</sup>See note 1.

granting of the motion for variance. On the contrary, the defendant's apparent "safety-valve" eligibility ameliorates any undue harshness that might otherwise be inflicted upon this young woman by a Guidelines sentence.

(3) Except to the extent (if at all) that I have sustained an objection or granted a motion or reserved an issue for later resolution in the preceding paragraph, the parties are herewith notified that my tentative findings are that the presentence report is correct in all respects.

(4) If **any** party wishes to challenge these tentative findings, said party shall, as soon as possible, but in any event at least five (5) business days before sentencing, file in the court file and serve upon opposing counsel and the court a motion challenging these tentative findings, supported by (a) such evidentiary materials as are required (giving due regard to the requirements of the local rules of practice respecting the submission of evidentiary materials), (b) a brief as to the law and (c) if an evidentiary hearing is requested, a statement describing why an evidentiary hearing is necessary and how long such a hearing would take.

(5) Absent submission of the information required by the preceding paragraph of this order, my tentative findings may become final and the presentence report may be adopted and relied upon by me without more.

(6) Unless otherwise ordered, any motion challenging these tentative findings shall be resolved at sentencing.

March 23, 2012.

BY THE COURT:

*Richard G. Kopf*

Senior United States District Judge